

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

Isaac Starke, #355498, and HRS)	
)	Civil Action No. 1:15-cv-02621-JMC
Plaintiffs,)	
)	
v.)	ORDER
)	
Aiken County Department of Social)	
Services; Aiken County Sheriff's)	
Department; George A. Anderson,)	
Attorney at Law; South Carolina)	
Department of Correction; and Aiken)	
County Detention Center (Jail),)	
)	
Defendants.)	
)	

This matter is before the court upon review of Magistrate Judge Shiva V. Hodge's Report and Recommendation ("Report"), filed on August 19, 2015, recommending that the case be dismissed without prejudice and without issuance and service of process. (ECF No. 14.) The Report sets forth in detail the relevant facts and legal standards on this matter, and this court incorporates the Magistrate Judge's recommendation herein without a recitation.

The Magistrate Judge makes only a recommendation to this court that has no presumptive weight—the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court reviews *de novo* only those portions of a Magistrate Judge's Report to which specific objections are filed, and it reviews those portions not objected to—including those portions to which only "general and conclusory" objections have been made—for clear error. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005); *Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983); *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). The court may accept, reject, or modify—in whole or in part—the

recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report “within fourteen (14) days of the date of service” of the Report, (ECF No. 14 at 8), or by September 8, 2015. Plaintiff filed his Objection on September 14, 2015. (ECF No. 16.)

In the absence of timely filed objections to the Magistrate Judge’s Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee’s note). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law. The court **ADOPTS** the findings of the Magistrate Judge’s Report and Recommendation (ECF No. 14), and this case is **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

October 1, 2015
Columbia, South Carolina

